

§ 1216.106

ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

§ 1216.106 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1216.107 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any person covered under the Act and the voting list shall be held confidential and shall not be disclosed.

PART 1218—BLUEBERRY PROMOTION, RESEARCH, AND INFORMATION ORDER

Subpart A—Blueberry Promotion, Research, and Information Order

DEFINITIONS

Sec.	
1218.1	Act.
1218.2	Blueberries.
1218.3	Conflict of interest.
1218.4	Crop year.
1218.5	Department.
1218.6	Exporter.
1218.7	First handler.
1218.8	Fiscal period.
1218.9	Importer.
1218.10	Information.
1218.11	Market or marketing.
1218.12	Order.
1218.13	Part and subpart.
1218.14	Person.
1218.15	Processed blueberries.
1218.16	Producer.
1218.17	Promotion.
1218.18	Research.
1218.19	Secretary.
1218.20	Suspend.
1218.21	Terminate.
1218.22	United States.
1218.23	USACBC.

7 CFR Ch. XI (1–1–06 Edition)

U.S.A. CULTIVATED BLUEBERRY COUNCIL

1218.40	Establishment and membership.
1218.41	Nominations and appointments.
1218.42	Term of office.
1218.43	Vacancies.
1218.44	Alternate members.
1218.45	Procedure.
1218.46	Compensation and reimbursement.
1218.47	Powers and duties.
1218.48	Prohibited activities.

EXPENSES AND ASSESSMENTS

1218.50	Budget and expenses.
1218.51	Financial statements.
1218.52	Assessments.
1218.53	Exemption procedures.
1218.54	Programs, plans, and projects.
1218.55	Independent evaluation.
1218.56	Patents, copyrights, trademarks, information, publications, and product formulations.

REPORTS, BOOKS, AND RECORDS

1218.60	Reports.
1218.61	Books and records.
1218.62	Confidential treatment.

MISCELLANEOUS

1218.70	Right of the Secretary.
1218.71	Referenda.
1218.72	Suspension and termination.
1218.73	Proceedings after termination.
1218.74	Effect of termination or amendment.
1218.75	Personal liability.
1218.76	Separability.
1218.77	Amendments.
1218.78	OMB control numbers.

Subpart B—Procedure for the Conduct of Referenda in Connection with the Blueberry Promotion, Research, and Information Order

1218.100	General.
1218.101	Definitions.
1218.102	Voting.
1218.103	Instructions.
1218.104	Subagents.
1218.105	Ballots.
1218.106	Referendum report.
1218.107	Confidential information.

AUTHORITY: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

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Subpart A—Blueberry Promotion, Research, and Information Order

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Agricultural Marketing Service, USDA

§ 1218.11

EDITORIAL NOTE: Nomenclature changes to part 1218 appear at 66 FR 37118, 37119, July 17, 2001.

DEFINITIONS

§ 1218.1 Act.

Act means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7401-7425; Pub. L. 104-127; 110 Stat. 1029), or any amendments thereto.

§ 1218.2 Blueberries.

Blueberries means cultivated blueberries grown in or imported into the United States of the genus *Vaccinium* *Corymbosum* and *Ashei*, including the northern highbush, southern highbush, rabbit eye varieties, and any hybrid, and excluding the lowbush (native) blueberry *Vaccinium Angustifolium*.

§ 1218.3 Conflict of interest.

Conflict of interest means a situation in which a member or employee of the U.S.A. Cultivated Blueberry Council has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the USACBC for anything of economic value.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37118, July 17, 2001]

§ 1218.4 Crop year.

Crop year means the 12-month period from November 1 through October 31 of the following year or such other period approved by the Secretary.

§ 1218.5 Department.

Department means the U.S. Department of Agriculture.

§ 1218.6 Exporter.

Exporter means a person involved in exporting blueberries from another country to the United States.

§ 1218.7 First handler.

First handler means any person, (excluding a common or contract carrier), receiving blueberries from producers and who as owner, agent, or otherwise ships or causes blueberries to be shipped as specified in the Order. This definition includes those engaged in the business of buying, selling and/or

offering for sale; receiving; packing; grading; marketing; or distributing blueberries in commercial quantities. This definition includes a retailer, except a retailer who purchases or acquires from, or handles on behalf of any producer, blueberries. The term first handler includes a producer who handles or markets blueberries of the producer's own production.

§ 1218.8 Fiscal period.

Fiscal period means a calendar year from January 1 through December 31, or such other period as approved by the Secretary.

§ 1218.9 Importer.

Importer means any person who imports fresh or processed blueberries into the United States as a principal or as an agent, broker, or consignee of any person who produces or handles fresh or processed blueberries outside of the United States for sale in the United States, and who is listed in the import records as the importer of record for such blueberries.

§ 1218.10 Information.

Information means information and programs that are designed to increase efficiency in processing and to develop new markets, marketing strategies, increase market efficiency, and activities that are designed to enhance the image of blueberries on a national or international basis. These include:

(a) *Consumer information*, which means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of blueberries; and

(b) *Industry information*, which means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the blueberry industry, and activities to enhance the image of the blueberry industry.

§ 1218.11 Market or marketing.

(a) *Marketing* means the sale or other disposition of blueberries in any channel of commerce.

(b) To *market* means to sell or otherwise dispose of blueberries in interstate, foreign, or intrastate commerce.